

DEPARTMENT OF MARINE RESOURCES

CHAPTER 32 - EELS

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DEPARTMENT OF MARINE RESOURCES

Chapter 32 - Eel Regulations

32.01 Fishing in Bagaduce River and its tributaries in Castine, Penobscot and Brooksville.

1. No person shall use any weir, seine, trap or any other contrivance in catching, fishing for or taking fish in the Bagaduce River or any of its tributaries, in the Towns of Castine, Penobscot and Brooksville, Hancock County, except by the use of gill nets, and permanent weirs, with not less than 50 poles, constructed of laths, brush, wire or twine.

A. The trapping of eels in the Bagaduce River and its tributaries shall be lawful.

32.02 Elver Harvest Reporting Requirements: See Chapter 8.10(E) Landings Program

32.03 Eel Harvesting Regulations

Summary:

This regulation establishes requirements for persons holding an eel harvesting license to mark their eel pot buoys with the owner's eel license number and to comply with other restrictions related to eel pot baiting, placement, and tending.

Any person holding an eel harvesting license shall comply with the following regulations:

1. Eel pots must be marked with a buoy. Two or more pots may be placed upon a single line with a single buoy.
2. All eel pots must be clearly labeled with the owner's eel license number on the buoy.
3. Eel pots must be placed in such a manner so as to not obstruct boat launch areas, swimming areas, or to create hazards to navigation.
4. Eel pots must not be baited with live fish.
5. All eel pots must be tended at least twice a week. Any animals other than eels captured in the pots shall be immediately released unharmed.

32.04 Eel Harvest Reporting Requirements: See Chapter 8.20(E) Landings Program

32.05 Fishing in the Sheepscot River; Eel Fishing.

It shall be unlawful to use any type of net or seine in the Sheepscot River and its tributaries between the Wiscasset-North Edgecomb Bridge and the so-called Headtide Dam at Alna.

The fishing of lamprey eels within these waters shall be under the direction of the Commissioner of Marine Resources who may issue permits to take lamprey eels at places and by means designated by him.

This section does not apply to the taking of alewives under section 62, nor to the taking of alewives under any other law.

32.06 Noncommercial Daily and Possession Limits

1. Definitions. For purposes of this section, American eel is defined as specified in 12 M.R.S.A. §6001(13-D)(2002).
2. It is unlawful to fish for, take, possess, or transport more than 50 American eels per person per day.

3. A person may fish for or take for personal use up to 50 eels per day from the coastal waters of the state by spear gun, harpoon, trap, or hook and line and may possess and transport eels that person has taken.
4. Exception: This section shall not apply to persons licensed under 12 M.R.S.A. §§6505-C, 6302-A, 6851, and 6852.

32.11 Elver Fishing in Camden Harbor

(A) Megunticook River, Camden Harbor

It shall be illegal to fish for or take elver upstream of a line drawn from the northernmost point of the granite pier of the Camden Town Landing, to the southernmost point of the granite wall that borders on the northern side of the Megunticook River.

32.12 Elver Fishing in Franklin

Mill Brook off Taunton Bay

It shall be illegal to fish for or take elver, by any means other than dip net, from May 1 to May 31 of any year within 327 feet (109 yards) downstream of the bridge that crosses Mill Brook on the Grist Mill Road in the town of Franklin.

32.15 Elver Fishery Research Site

The West Harbor Pond outlet in West Boothbay Harbor is designated as a research site so the Department of Marine Resources may study the annual recruitment of glass eels as required by the Atlantic States Marine Fisheries Commission. Any person fishing for elvers in this area must obtain a special permit in addition to an elver license from the Department of Marine Resources, and must maintain a log book of daily harvest, recorded as total weight. A carbon type logbook will be provided by the Department with instructions on which copy to be mailed to the Department of Marine Resources, Stock Enhancement Division, 21 State House Station, Augusta, Maine 04330-0021. The log book information must be sent to the Department by Saturday on a weekly basis. All data collected in the log book is subject to the confidentiality provisions of 12 M.R.S.A. § 6173.

32.30 Elver Gear and Fishing License Lottery

1. Lottery Procedures:

- A. Following the end of the calendar year, the Department shall determine those license holders who did not renew their license before the end of the prior calendar year and those license holders who have had their licenses permanently revoked in the prior calendar year. For each of the licenses identified, the Department shall determine the number of pieces and types of gear held by each of those license holders. The number of pieces of gear associated with the licenses identified shall be the number of new licenses made available through the license lottery.
- B. If any fyke nets are associated with any of the licenses identified, the Department shall hold a fyke net lottery in which individuals who held an elver license that authorized them to use a dip net only in the prior calendar year may obtain the authorization to use one fyke net, instead of a dip net. If an individual is selected through the lottery to be authorized to use a fyke net, they will relinquish their authorization to use a dip net.
- C. If any dip nets are associated with any of the licenses identified, or if an individual who previously held a license that authorized them to use a dip net becomes authorized to use a fyke net in the fyke net lottery, the Department shall hold a license lottery in which individuals who do not hold an elver license may become authorized to obtain an elver license to use a dip net.

- D. Eligible persons wishing to enter either lottery must submit the appropriate lottery application in a manner prescribed by the Commissioner. Applications must be received by the Department no later than January 15 of each calendar year. The fee shall be \$25 per entry per lottery. This fee is non-refundable.
- E. Eligible persons may submit only one application per lottery. One draw (chance) will be allotted to an application, per lottery. Any attempt by an individual to submit more than one application per lottery will render that individual ineligible for the lottery. Any application fees submitted by these individuals are non-refundable.
- F. Before the lotteries are held, the Department shall calculate and make public the number of fyke nets and elver fishing licenses to be awarded for that calendar year, if any.
- G. By February 15 of each year the Department shall hold two separate drawings, one for fyke net authorizations and one for elver fishing licenses. Winners will be determined by random selection from all applicants entered for that lottery.
 - 1. The fyke net drawing will be held first, and the drawing will continue until all available fyke nets have been awarded, or all individuals entered for that lottery have been drawn, whichever comes first.
 - 2. The license drawing will be held second, and will continue until all available licenses have been awarded, or all individuals entered for that lottery have been drawn, whichever comes first.
 - 3. Once all available licenses have been awarded and a list of winners determined for that lottery, drawing will continue for each lottery to establish an ordered list of alternates. Drawing for alternates will continue until an ordered list of alternates the same length as the list of winners has been established, or until all individuals entered for that lottery type have been drawn, whichever comes first.

2. Eligibility:

In order to be eligible for the fyke net lottery an individual must:

- A. Have held a elver license that authorized them to fish one dip net in the prior calendar year;
- B. Be a resident of the State of Maine, or a resident of a state that allows Maine residents to purchase an elver license and fish for elvers in that state; and
- C. Be eligible to purchase a license for the calendar year in which the lottery is held if authorized, and not have had their right to obtain a license suspended.

In order to be eligible for the license lottery, an individual must:

- A. Be at least 15 years of age at the start of the elver season for the calendar year in which the lottery is held;
- B. Be a resident of the State of Maine, or a resident of a state that allows Maine residents to purchase an elver license and fish for elvers in that state; and
- C. Be eligible to purchase a license in the current calendar year if authorized, and not have had their right to obtain a license suspended.

It is the responsibility of the applicant to determine their eligibility to participate in the fyke net lottery and the license lottery. If an applicant for either lottery is drawn, but determined to be ineligible, that drawing shall be void and the Department will draw another individual. The application fee submitted with the ineligible application is non-refundable.

3. Issuing the Awarded Licenses

- A. Lottery winners will be informed in writing and mailed a license application form by the Department.

- B. Lottery winners must submit a license application to the Department by no later than March 1. The application must be correctly filled out for the same individual as their lottery application, and must include full payment for the correct fees and any required documentation. The failure to submit a complete license application by March 1, the failure to pay all applicable fees, or the failure to include all required documentation, will void the applicant's lottery drawing and the associated fyke net authorization or elver license will be made available to the next appropriate alternate.
- C. The next alternate on the list of alternates for that lottery, will be sent a license application and have until March 15 to comply in the same manner.
- D. If the next alternate fails to comply with the deadline and submission requirements, the Department will continue to select alternates through a drawing and provide 2 weeks for winners to comply until the fyke net or license is successfully obtained.

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